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International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

Concluding observations on the eighteenth and nineteenth periodic reports of Belarus

Addendum

Information received from Belarus on follow-up to the concluding observations*

[Date received: 17 September 2014]

Information on measures to implement the recommendations set out in paragraphs 10, 15 and 17 of the concluding observations adopted by the Committee on the Elimination of Racial Discrimination following its consideration of the eighteenth and nineteenth periodic reports of Belarus

Paragraph 10

1. The Combating Terrorism Act, adopted on 3 January 2002, does not target human rights defenders promoting the elimination of racial discrimination. The main reason for adopting the Act was the need to implement preventive measures for combating terrorism in view of the increased number of conflicts to which it has given rise in the world. The provisions of the Act are not contrary to the articles of the International Convention on the Elimination of All Forms of Racial Discrimination. Moreover, the 2002 text of the statute provided for amendments in order to preclude a broad interpretation. As a result, on 12 November 2012, the Act of 26 October 2012 on amendments to certain acts of Belarus concerning efforts to combat terrorism and counter extremism entered into force. Through this Act, amendments were also introduced in the Combating Terrorism Act of 3 January 2002.

2. In particular, the concept of terrorism was completely revised: terrorism is now viewed not as an act but rather as a destructive phenomenon of the modern world. Thus, article 3, paragraph 8, of the Combating Terrorism Act states that terrorism is a

* The present document is being issued without formal editing.

sociopolitical criminal phenomenon consisting in the ideology and practice of using violence or the threat of violence to influence decision-making by the authorities, obstruct political or other public activities, provoke international tension or war, terrorize the population or destabilize public order.

3. An individual act of terrorism is an outward expression of terrorist ideology. Article 3, paragraph 10, of the Act establishes that an act of terrorism should be understood to mean the causing of an explosion, fire or flooding or the commission of other acts that pose a danger to public safety or create a risk of death, bodily harm or other serious consequences, for terrorist purposes. Accordingly, the key to defining an act of terrorism is the presence of a specific terrorist purpose. In this connection, an act that poses a danger to public safety can only be classed as an act of terrorism when it is committed for the following purposes:

- Influencing decision-making by the authorities;
- Obstructing political or other public activities;
- Terrorizing the population;
- Destabilizing public order.

4. The Combating Terrorism Act lists other crimes of a terrorist nature which constitute an exceptional danger to modern society and which, if carried out, cause massive loss of life and destruction of material and spiritual values.

5. On 21 September 2014, a National Expert Commission will be launched to assess information outputs for the presence of signs of extremism. The Commission was created by Decision No. 810 of the Council of Ministers of 21 August 2014.

6. The basis for evaluating information outputs will be submissions from State bodies, civil society associations and private entrepreneurs.

7. The Commission will provide expert advice, while decisions will be made by the courts. The views of civil society associations will also be taken into consideration when expert advice is adopted.

Paragraph 15

8. Belarus is continuing to learn from international experience regarding the establishment of a national human rights institution.

9. In 2011–2012, the National Centre for Legislative and Legal Research studied public opinion on the advisability of establishing a national human rights institution of the most appropriate kind and on the main questions relating to the activities that the institution would carry out. The research demonstrated that public opinion was divided regarding the establishment of such an institution. It was suggested that international experience concerning the work of similar institutes should be carefully studied. The research also showed that, from the point of view of the public, the most effective and appropriate way for this institution to operate could be as a commissioner for human rights office.

10. On 18 July 2014 in Minsk, as part of efforts to implement the recommendations from the first cycle of the universal periodic review conducted by the United Nations Human Rights Council, and also as a way to learn from international experience, an international seminar took place entitled "Establishing and operating national human rights institutions".

11. This seminar was organized in cooperation with the United Nations office in Belarus, the Council of Europe and the Office of the United Nations High Commissioner for Human Rights.

12. Participants in the event included representatives of governments and experts from Kazakhstan, the Russian Federation, the United Kingdom, Portugal, the United States of America, the Office of the High Commissioner for Human Rights, the Council of Europe and the European External Action Service, as well as representatives of executive, legislative and judicial authorities and civil society organizations in Belarus.

13. During the seminar, the following issues were discussed: the diverse forms of national human rights mechanisms (including interdepartmental and parliamentary commissions and committees, offices of commissioners for human rights and national agencies); the practical aspects of establishing and operating national human rights institutions, including the difficulties they face in their activities; cooperation with State bodies and civil society organizations; international accreditation for such institutions; and their activities at the international level.

14. Taking into consideration the outcome of the seminar, a consolidated position of the relevant authorities will soon be developed and a decision made accordingly.

15. It should be noted that academics have already prepared a bill to establish the post of commissioner for human rights in Belarus.

Paragraph 17

Subparagraph (a)

16. Belarus is continuing to increase its efforts to combat human trafficking. A national plan of action to combat trafficking in persons is being implemented in the country through various State programmes. At present, measures under the fourth State programme, for the period 2013–2015, are being carried out. Both State bodies and non-governmental organizations are actively participating in the implementation of this programme.

17. It should be noted that, while past programmes were essentially aimed at the criminal prosecution of traffickers, the current programme emphasizes the prevention of human trafficking, public awareness-raising campaigns, and the protection and rehabilitation of victims, making active use of resources from the International Organization for Migration (IOM) and civil society associations.

18. Work is being carried out to bring national legislation into line with the Council of Europe Convention on Action against Trafficking in Human Beings, which entered into force for Belarus on 1 March 2014.

19. On 14 May 2014, the House of Representatives, the lower house of the National Assembly of Belarus, adopted on first reading a bill on amendments to the Trafficking in Persons Act. The bill proposes new definitions of the concepts of "human trafficking" and "exploitation" which are in line with the Council of Europe Convention, and also with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. In accordance with the aforementioned bill (of 14 May 2014), identification of trafficked persons as such must take place within 30 days of the date of completion of the relevant form by persons who may have been victims of trafficking and/or related offences. State bodies, civil society associations and international and foreign organizations active in countering human trafficking, must decide, within the limits of their competence, whether to grant or deny the status of victim to the persons concerned; this is then noted in the form completed by them.

20. Belarus considers these amendments to be directly aimed at establishing appropriate legal mechanisms to counter human trafficking, as well as to ensure the rehabilitation of victims.

21. Law enforcement agencies and international and non-governmental organizations continue to work with persons engaged in prostitution, as well as with those at risk of becoming victims of trafficking. The absolute majority of those who offer sexual services in exchange for remuneration are female Belarusians. Isolated cases of citizens from neighbouring States offering such services have been recorded. There have been no recorded cases of women from ethnic minorities engaging in prostitution in Belarus.

Subparagraph (b)

22. The Trafficking in Persons Act has been in force in Belarus since 7 January 2012. The Act provides for the following kinds of free government assistance:

- Temporary accommodation, including board and lodging;
- Legal assistance, including free legal aid from members of the Bar Association;
- Medical care (as specified in the list of the Ministry of Health), including on an inpatient basis, regardless of the victim's place of permanent residence;
- Psychological counselling;
- Tracing of the families of child victims of trafficking, or placement of such children in a foster family or, if this is not possible, in a children's home;
- Assistance in finding permanent work;
- Financial support.

23. In accordance with article 20 of the Act, social protection and rehabilitation services for victims of trafficking are provided in:

- State health-care institutions, for children under the age of 3;
- Social educational facilities (for no more than six months) or centres for protection of and assistance to victims of trafficking, for those aged 3 to 18;
- Centres for protection of and assistance to victims of trafficking, "crisis rooms" run by local social service centres in cooperation with local authorities and administrative bodies, or premises of other organizations, for those aged over 18.

24. The National Gender Equality Plan for the period 2011–2015 (para. 24) provides for the development of a network of "crisis rooms" to offer assistance to victims of trafficking and violence.

25. As of 1 July 2014, 94 "crisis rooms" were operating in Belarus, including 5 in Brest province, 27 in Viciebsk province, 7 in Homieĺ province, 6 in Hrodna province, 23 in Minsk province, 25 in Mahilioŭ province and 1 in the city of Minsk. (For comparison, as of 1 January 2013, 50 "crisis rooms" were operating in Belarus; on 1 January 2012, 41; on 1 January 2011, 31; and, on 1 January 2009, 28).

26. Over six months in 2014, 93 persons in difficulty were accommodated in "crisis rooms".

27. By decision of a court during criminal proceedings, a victim may be awarded compensation from a trafficker for harm incurred as a result of the offence in question (civil action procedure).

28. In accordance with the List of free public social services provided by State social service institutions, approved by Decision No. 1218 of the Council of Ministers of 27 December 2012, centres providing assistance to victims of trafficking, violence, terrorist acts, and man-made and natural disasters must offer temporary shelter together with other

services. This service is free of charge and includes the provision of a place to sleep, a set of bed linen, personal hygiene items, and food and drink.

Subparagraph (c)

29. Each detected case of human trafficking and related offences is promptly and thoroughly investigated. In the majority of cases, a specialized service set up within the Ministry of Internal Affairs, the Central Department on Drug Control and Human Trafficking, conducts the preliminary inquiry. If there are grounds and bases for so doing, a criminal case is brought, which, following the completion of the investigation, is then considered by a court. The court determines the type and length of punishment for the perpetrators. In Belarus, the maximum penalty for human trafficking is 15 years' imprisonment with confiscation of property.

Subparagraph (d)

30. Belarus has concluded a bilateral agreement with Turkey on the issue of combating human trafficking.

Subparagraph (e)

31. Since 2005, the Ministry of Internal Affairs Academy has been training specialists from the criminal militia on countering human trafficking.

32. The International Training Centre has been operating since 2007, providing training, further training and retraining on migration and human trafficking; it is the primary institution for specialist training in this area for the member countries of the Commonwealth of Independent States (CIS). With the cooperation of international experts, training courses have been developed which address not only human trafficking, but also irregular migration, child pornography on the Internet and victim rehabilitation. Since the training centre has been operational, approximately 1,500 people from 30 countries have attended courses there.

Subparagraph (f)

33. In Belarus, public awareness-raising campaigns on preventing human trafficking continue to be conducted.

34. A hotline using a short, three-digit number (113) operates continuously to educate citizens about and ensure access to information on action against human trafficking. Calls are handled by non-governmental organizations. In particular, the international voluntary association Gender Perspectives (La Strada Belarus programme) handles calls in the city of Minsk and in Viciebsk, Minsk and Mahilioŭ provinces. The Businesswomen's Club handles calls in Brest, Homieĺ and Hrodna provinces.

35. Information stands are set up, with recommendations on personal safety and telephone numbers of State institutions and civil society organizations to which the public can turn in difficult situations.

36. Specialists from relevant centres publish booklets with such titles as "The dreams were so real", "Networks of slavery", "Ways and means of recruitment", "Your life is in your hands", "Women and violence", "Protect yourself before going abroad", "Humans are not commodities" and "Let's stop human trafficking".

37. Leaflets, booklets and brochures on human trafficking, containing the contact telephone numbers of the law enforcement agencies responsible for countering that phenomenon, are also distributed. Seminars, conferences, lectures, workshops and thematic training sessions are conducted as part of the social worker training programme. Stands are set up in centres to display documentation from the Department of Citizenship and Migration of the Ministry of Internal Affairs.

38. In order to raise awareness within Belarusian society of the negative consequences of human trafficking, an event was held on 30 July 2014 in Belarus on the occasion of the World Day against Trafficking in Persons, which was initiated by Belarus in accordance with the General Assembly resolution on improving the coordination of efforts against trafficking in persons, adopted in December 2013 at the Assembly's sixty-eighth session on the initiative of Belarus.

39. Participants in the event included relevant State authorities, as well as representatives from the judicial and legislative authorities, the parliament, civil society associations, the diplomatic corps, and international organizations accredited in Belarus. On this day, free screenings of films on the topic of human trafficking took place in cinemas across Minsk.